

ORIGINAL

FILED

March 10 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Edward J. Guza
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CLERK OF THE SUPREME COURT
STATE OF MONTANA

Attorneys for Appellee/Cross Appellant, F.L. Dye Company

IN THE SUPREME COURT OF THE
STATE OF MONTANA

LARRY DIMARZIO,

Appellant,

v.

CRAZY MOUNTAIN
CONSTRUCTION, INC., a Montana
corporation, F.L. DYE COMPANY, a
Montana close corporation, BRIDGER
GLASS & WINDOWS, INC.,
a Montana corporation

Appellees.

Cause No. DA 10-0097

NOTICE OF CROSS-
APPEAL

NOTICE is hereby given that the F.L. Dye Company, the Cross-Appellants above-named and who was a Defendant in that cause of action filed in the Eighteenth Judicial District, in and for the County of Gallatin, as Cause No. DV-04-596, hereby cross-appeals to the Supreme Court of the State of Montana from the final judgment entered in such action on the 3rd day of February 2010.

THE APPELLEE FURTHER CERTIFIES:

1. That this cross-appeal is subject to the mediation process required by M.R.App.P. 7. If subject to mediation, the money judgment being sought is not less than \$5,000.
2. That this cross-appeal is not an appeal from an order certified as final under M.R.Civ.P. 54(b).
3. That the notice required by M.R.App.P. 27 is not applicable because there is not a constitutional question being raised in the appeal that would require such notice.
4. That the transcript of the trial in this case has been ordered by the Appellant from the court reporter contemporaneously with the filing of his Notice of Appeal.
5. That included herewith is the filing fee prescribed by statute.

SUBMITTED this 9th day of March, 2010.



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Attorneys for Cross-Appellants

CERTIFICATE OF SERVICE

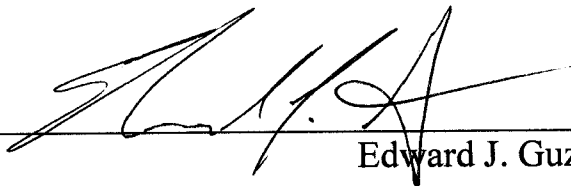
I hereby certify that on the 9th day of March, 2010, I have filed a true and accurate copy of the foregoing NOTICE OF CROSS-APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF CROSS-APPEAL upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

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